

## CHAPTER SIX

### *The Governor's Office and Judiciary*

#### The State Governorship

The governor presides over the executive branch. Elected for a four-year term, with no limitation on reelection, the Connecticut governor, now more than ever, is expected to be the driving force behind the policy-making process. In recent decades, the citizens of Connecticut have come to expect a governor who is creative, energetic, and an imaginative problem solver. Like public expectations of the American president, the American people have high expectations of those who occupy state governorships. The following summary succinctly captures this orientation:

Governors are expected to be the leading cheerleaders for their states. They are expected to attract business and jobs, to set the political tone, to manage state affairs. They serve as the primary face and voice of government during natural disasters or other crises. With this much power, of course, comes a great deal of expectation. If a state is not doing well – if it is losing more jobs than its neighbors during a recession, for example, or is running a budget deficit – voters and the media will hold the governor responsible. They are like mini-presidents in each state.<sup>1</sup>

The Connecticut governor's formal powers unfold from the state constitution. Moreover, the constitutional duties of the

Connecticut governor described in Article IV are quite substantial, and in many ways parallel those of the American president. The parallel is common in most states. As Louis W. Koenig states, "If a typical early governor were compared with a typical contemporary governor, the influence of the presidency upon gubernatorial change would become evident."<sup>2</sup> Similar to that of the president, the governor in Connecticut is expected to "wear many hats" and have the ability to perform several tasks simultaneously. The 1965 Constitution was crafted in such a way as to create an empowered governorship.

To begin with, the state constitution assigns an important legislative duty to the governor. In this capacity, the governor is allowed to introduce bills to the state legislature, sign bills into law, and exercise the power of veto. The constitution also requires the governor to deliver a "State of the Government" address to the state legislature. This address, more popularly known as the "State of the State" address, attracts extensive media coverage. Like the president's "State of the Union" message, the "State of the State" address broadly outlines the governor's legislative agenda for the forthcoming legislative session. The governor's address is what sets the legislative process in motion.

In addition to broad legislative responsibilities, the constitution requires the governor to perform a range of executive duties. As the state's chief executive officer, the governor is expected to "faithfully" execute the laws of the state. In this regard, it is the governor's legal responsibility to oversee the implementation of state laws and state judicial rulings. Gubernatorial appointments within the executive branch are crucial in this respect, as the successful execution of laws depend heavily on the ability, motivation, and orientation of personnel working within executive agencies and commissions. Under the Rell administration, approximately thirty individuals are directly appointed by the governor to serve on the governor's personal staff. Such staff positions include, among others, the chief of staff, deputy chief of staff, legal counsel, press secretary, legislative director, and director of constituent service. Beyond the personal staff, the governor in Connecticut appoints thirty-seven

commissioners, all of whom require legislative confirmation, and approximately 1,800 individuals to serve on numerous boards, commissions, and committees.<sup>3</sup> The Connecticut governor therefore has considerable appointment power, which in turn allows the governor to exercise control over executive branch activity. If needed, the governor can issue executive orders to subordinates that provide detailed instructions and guidelines for the execution of laws.

The Connecticut Constitution also identifies the governor as the “captain of the state militia.” In conjunction with this quasi-military role, the governor has authority over the Connecticut National Guard. The Guard can be deployed by the governor to assist the state during times of natural disasters, such as devastating hurricanes and floods. The governor can also mobilize the National Guard in the interest of preserving law and order. However, should the Guard be needed to bolster the regular army during time of war or national emergency, the president of the United States can federalize the National Guard and deploy units according to the national interest. Thus, while the governor can direct the Guard to perform a variety of state-wide functions, the National Guard is ultimately under the jurisdiction of the president. The governor’s military power is therefore subject to limitations. The deployment of Connecticut National Guard units to Iraq in recent years is an example of how the Guard can be federalized.

A quasi-judicial role is also afforded to the governor by the state constitution. The governor has the sole authority to grant a reprieve to persons after they have been convicted of a crime. According to the state constitution, a reprieve issued by the governor is valid only “until the end of the next session of the general assembly, and no longer.” Gubernatorial reprieves in Connecticut are thus a temporary and somewhat short-lived respite from punishment. The power to grant reprieves is seldom exercised by the governor.

A ceremonial role for the state governor is not explicit in the state constitution, although such duty is most certainly implied in Article IV. In this regard, the governor is expected to engage in a wide range of symbolic activity, which includes cutting ribbons and making speeches at the opening of new schools, bridges, and

highways. The governor is also expected to participate in Memorial Day parades, issue proclamations during state or federal holidays, attend the funerals of political dignitaries, and meet with student field trips to the state Capitol. Public image, poise, and style are important to the performance of ceremonial duties.

Like the president of the United States, the governor of Connecticut is expected to participate in several tasks not designated by the state constitution. Perhaps the most important task in this respect is that of party chief. It is expected that in addition to performing several constitutional duties, the governor should devote time and energy to promoting the goals and objectives of his or her political party. As party chief, the governor appoints the chairperson of the party's state central committee. The governor is also expected to raise funds for the party, appoint party loyalists to several administrative posts and judgeships, and campaign for the party's candidates during state, and local elections. Although no governor can possibly perform every duty with an equal amount of vigor and skill, it is reasonable to expect occupants of the governor's office to be flexible and multi-talented individuals.

Much to the advantage of the Connecticut governorship is the absence of term limitations in the state constitution. The Connecticut Constitution does not impose term limits on the office of governor, which tends to protect a governor from becoming a "lame duck." This of course is to the advantage of the governor, as state lawmakers often perceive an outgoing governor as "old news" and somewhat powerless. Hence there is less incentive on the part of lawmakers to support an outgoing governor's legislative agenda. In the absence of term limits, the governor can thus maintain political leverage throughout his or her term of office.<sup>4</sup>

### *Job Approval Ratings*

Although a deep reservoir of constitutional power is to the advantage of a state governor, no governor can depend on constitutional power alone to effectively lead a state. Equally, if not more, important is the extent to which a governor can cultivate a

high level of support from among the state's population. A governor's popularity among the general electorate is a critical source of power, particularly for those governors with an aggressive legislative agenda.<sup>5</sup>

Governors, like presidents, depend on popular support to exercise legislative leadership. State lawmakers are more inclined to support the legislative agenda of a governor with high job approval ratings, as opposed to one who has little support or respect among the general public. High job approval ratings are therefore essential to working effectively with the General Assembly. A state governor might very well be afforded a broad set of constitutional powers, but in the absence of high job approval ratings such authority is for all intents and purposes diminished. High approval ratings are especially important to those governors who do not enjoy the luxury of a partisan majority in the state legislature.

At the time of this writing, Governor M. Jodi Rell's job approval ratings have consistently hovered above 70 percent,<sup>6</sup> the highest approval ratings sustained by any Connecticut governor during the past twenty-five years.<sup>7</sup> The governor's unprecedented approval ratings are the principal reason why she has had a successful working relationship with a Democratic-controlled state legislature. A generally healthy state economy, an unemployment rate slightly below the national average, an express commitment on the governor's part to restoring ethics in government, an image of confident, but not arrogant, leadership, a down-to-earth personality, along with the support of popular issues in Connecticut, such as civil unions, the right to abortion, stem cell research, and campaign finance reform, are among the key reasons why Governor Rell, a Republican, has enjoyed such extraordinary approval ratings.

### **The State Judiciary**

Article Five of the Connecticut Constitution establishes the state's judicial system. Over the years, the structure of the state's judicial system has been reorganized and streamlined into what is now a unified and efficient system of courts. The state's judicial system is

professionally administered and staffed. Courts in Connecticut perform a vital role, and since the Constitution of 1818 the judiciary has functioned as an independent and equal branch of state government. Like the legislative and executive branches of government, it is apparent that the state judicial system has also been modernized and equipped to confront the challenges of the twenty-first century.

### *Superior Courts*

Any discussion of Connecticut's judicial structure must begin with the state superior courts. These are the courts located at the base of the judicial system. Superior courts are trial courts of original jurisdiction. Superior courts are located throughout the state, and it is within the superior courts that the vast majority of day-to-day and routine judicial activity takes place. Superior courts are truly the "workhorses" of Connecticut's judicial system. In 2006, the superior court division included 13 judicial districts, 20 geographical areas, and 13 juvenile districts. A total of 179 superior court judges were working at this level of the state's judicial system.<sup>8</sup>

As a result of recent court reform efforts, superior courts are subdivided into five divisions, with cases processed into one of the five divisions depending on the class of the case.<sup>9</sup> The Civil Division of superior court is where personal disputes are resolved. Lawsuits that seek monetary compensation are often the subject of civil cases. Insurance claims resulting from automobile or motorcycle accidents, claims regarding contract violations, charges of libel and slander, and claims concerning faulty appliances or purchased goods are typical of cases routinely heard in the Civil Division of superior court. A jury can be impaneled in civil court, or the case can be decided by the judge assigned to the case. In Connecticut, as in other states, financial settlements are normally reached before the case is formally tried.

The Criminal Division of the superior court system is where individuals are prosecuted for committing crimes against the state of Connecticut. Punishment in criminal cases can range from community service or probation to a lengthy prison sentence. In a

murder case, the person convicted can be sentenced to life in prison without parole or even sentenced to death. At the time of this writing, five individuals in Connecticut are awaiting execution on death row. In 2004, Connecticut executed convicted serial killer and rapist Michael Ross by lethal injection after Ross waived his rights to further appeal. This was the first execution in Connecticut since 1960, when "Mad Dog" Joseph Taborsky was executed by electric chair for his murder of package store clerks. Connecticut is one of thirty-eight states that still provides for the death penalty.

Assault with a deadly weapon, murder, grand theft, drug possession, arson, sale of liquor to a minor, and drunken driving are examples of cases heard in criminal court. As in civil cases, a jury can be impaneled or a case can be tried before a judge. Like other states, plea bargaining is very common in Connecticut with the vast majority of criminal cases resolved in this manner.

The Family Division of superior court resolves conflicts involving divorce, alimony, and child custody disputes, while the Juvenile Division handles cases involving young persons who are accused of a crime. In Connecticut, a "child" is defined as a person under the age of sixteen, while a "youth" is defined as an individual sixteen to eighteen years of age. Cases involving children and, in most instances, youths are heard in juvenile court. Court records involving juveniles are kept confidential and juvenile cases are not open to the public.<sup>10</sup>

The Housing Division of superior court decides cases concerning rental disputes that erupt between landlords and tenants. Although family, juvenile, and housing courts normally do not hear the most intriguing or publicized cases, such courts are nevertheless essential to the administration of justice within the state of Connecticut.

### *Intermediate Appellate Court*

Decisions rendered in superior court are normally final and in most instances bring closure to a particular case. In some cases, however, one of the parties, either the defendant or plaintiff, might choose to appeal the jury's or judge's verdict. Should this occur, an appeal will be processed to the state's intermediate appellate court.

A special category of cases can be appealed directly from superior court to the state supreme court, although in most instances the case will first be appealed to the intermediate appellate court. In Connecticut, a person is normally granted one appeal.

Established in 1982 by Amendment XX of the state constitution, the intermediate appellate court was created to relieve the heavy and growing workload of the state supreme court. Prior to the establishment of the intermediate appellate court, cases would be appealed directly from state superior court to the state supreme court. Although the supreme court was under no obligation to grant a hearing to every appeal, the court's docket was nevertheless overcrowded. The intermediate court has thus served to reduce the workload of the supreme court, thereby allowing supreme court judges to concentrate on the most important and difficult judicial issues that arise in the state.

The intermediate appellate court, like the state supreme court, is located in Hartford. Nine judges are assigned to the intermediate court. One appellate judge, designated by the chief justice of the state supreme court, serves as the chief judge of the intermediate court. A three-judge panel normally hears an appeal, although in special cases the court will sit *en banc* (full bench; that is, all nine judges will hear the case).<sup>11</sup> A majority of judges on the appellate panel will decide whether or not to sustain the superior court verdict or reverse the lower court's judgment.

When a panel of judges is evaluating a case on appeal, the panel's primary concern is not with the facts of the case, nor with the guilt or innocence of the person appealing the case. The court instead is concerned with matters of law and constitutional procedure. The intermediate appellate court does not call witnesses, nor is a jury impaneled. The main concern is whether or not the lower court's decision was based on proper rules of constitutional procedure. Should a majority of the panel conclude that constitutional procedure was not followed, regardless of the facts, then the lower court's decision will most likely be reversed and either a new trial will be ordered or the case will be dismissed. Should the panel conclude that the lower

court's decision was reached fairly and properly without constitutional infringement, then the judgment of the superior court will be sustained.

### *State Supreme Court*

The court of last resort in Connecticut is normally the state supreme court. The supreme court hears cases that are appealed from the intermediate appellate court, and as previously noted, will hear a very select body of cases that are appealed directly from the superior courts. The Connecticut Supreme Court consists of seven judges, which includes six associate justices and the chief justice. Five justices will sit for a case, although in certain instances the chief justice will request that the court sit *en banc*. Like the intermediate appellate court, the state supreme court is not a trial court. There are no witnesses called to testify, there is no jury, and the justices are not particularly concerned with the facts of the case. Rules of evidence, constitutional procedure, and matters of law are what the state supreme court is primarily concerned with when hearing an appeal.

Cases arrive at the state supreme court in several different ways. One method is for an individual to appeal the ruling of the intermediate appellate court directly to the state supreme court. This is known as "petitioning for certification." Should two of the seven supreme court justices upon review of the petition decide that the appeal is worthy of a hearing, the court will grant the petition and request that all records of the case be forwarded to the court. With regard to petitions for certification, the supreme court has full discretion whether or not to grant the appeal.

The second way for a case to arrive before the supreme court is for the court to transfer a pending case that is before the intermediate appellate court. Any case filed in the intermediate appellate court can be directly transferred to the state supreme court upon the supreme court's request. A third route of appeal is for the decision of a superior court to be appealed directly to the state supreme court. State law carefully identifies which body of cases can

be appealed directly to the state supreme court. Such cases include rulings involving the death penalty, legislative reapportionment, or those in which interpretation of the state constitution is required.<sup>12</sup>

When a case is brought before the state supreme court, there is a well-established system of procedure that unfolds. Lawyers for both sides of the case are allowed to argue their positions before the court. Both parties are allowed a half-hour for "oral argument." The court hears oral arguments during eight two-week sessions between the months of September and June of each year. The supreme court listens to as many as three or four cases during days scheduled for oral argument. During oral argument, the justices ask the lawyers representing the two parties a wide range of probing questions pertaining to judicial precedent and matters of law. Lawyers for both sides are expected to be well-prepared for oral argument and ready to field difficult questions from the sitting justices.

Following oral argument, the justices meet in the conference room located within the supreme court building to discuss the case. A preliminary vote is taken during the conference. One of the justices who is in the majority will be asked to draft a "majority opinion." Writing the court's majority opinion can be a difficult and delicate task, as the final opinion must be deemed acceptable to those justices who originally voted with the majority.

One or more of the justices who voted with the minority might feel compelled to draft a dissenting opinion, although this is not a formal requirement. A dissenting opinion reflects points of disagreement with the court's majority. Moreover, in addition to majority and dissenting opinions, one or more of the justices who voted with the majority might decide to draft a concurring opinion. A concurring opinion will be written by a justice who agrees with the majority's position with respect to the outcome of the case, but not necessarily with the specific reasons expressed in the majority opinion. One of the justices in the majority might agree with the majority view that a statute passed by the Connecticut state legislature is in violation of the Connecticut Constitution and should therefore be deemed unconstitutional. At the same time, however, the justice might not agree with the reasons expressed in

the majority opinion regarding the invalidation of the law. In this instance, the justice may write a concurring opinion.

Drafts of majority, dissenting, and concurring opinions are circulated to the justices involved in the case. The justices will carefully read the drafts and evaluate the legal arguments. After the opinions have been circulated, read, and digested, the justices will meet once again in the conference room to cast their final vote. It is possible, but not probable, that a member of the majority might have been so impressed with the logic of the dissenting opinion that he or she will part company with the majority and affix his or her name to the dissenting opinion. Conversely, a justice who originally sided with the minority might be pulled to the side of the majority as a result of a compelling and persuasive majority opinion. Only after the separate opinions are drafted and reviewed does the position of the supreme court solidify. When supreme court rulings are issued, they are immediately made public by way of the Electronic Bulletin Board. Shortly thereafter, the decision is printed in the *Connecticut Law Journal*.<sup>13</sup>

Table Five documents the workload of the Connecticut Supreme Court during two recent terms.

Table 5			
Supreme Court Caseload			
July 1, 2002 – June 30, 2003			
	Civil	Criminal	Total
Caseload	291	169	460
Appeals	135	63	198
Disposed			
July 1, 2003 – June 30, 2004			
	Civil	Criminal	Total
Caseload	296	168	464
Appeals	161	76	237
Disposed			

*Source:* Biennial Report of the Connecticut Judicial Branch: <http://www.jud.ct.gov/Publications/BiennialStats2002-04.pdf>.

As the data show, the state supreme court's yearly docket currently consists of approximately 460 cases. This figure includes fresh appeals as well as appeals carried over from the previous term. The data also show that the court will issue rulings for approximately 40-50 percent of the cases on the docket. In a typical term, approximately two-thirds of the rulings involve civil appeals.

The state supreme court is normally, but not always, the court of last resort. If a case involves interpretation of the federal constitution, the losing party has the right to appeal the case directly to the United States Supreme Court by petitioning the high court for a writ of *certiorari*. In essence, the party appealing the case is asking the Supreme Court to "make more certain" of the lower court ruling. It is doubtful, however, that the Supreme Court will agree to hear the case, as approximately 98 percent of petitions for *certiorari* are routinely denied.<sup>14</sup> Should the case involve interpretation of the state constitution, the decision of the state supreme court is final. As discussed in Chapter Three, the United States Supreme Court cannot review the ruling of a state supreme court regarding interpretation of the state constitution.

### *Judicial Selection*

The judicial selection process in Connecticut was at one time a political and partisan process. The governor would nominate judges and the state legislature would confirm or reject the governor's choice. Judicial posts were part of the patronage system, with party affiliation and political loyalty at the heart of the selection process. The judicial selection process in Connecticut was very similar to that of the federal judicial selection process.

Connecticut's judicial selection system underwent significant reform in 1986 with passage of the Twenty-Fifth Amendment to the state constitution. Passage of the Twenty-Fifth Amendment reflected a national trend regarding court reform at the state level of the federal system. In many states, the process of judicial selection had theoretically been depoliticized, reflecting the public's antipathy toward politics, patronage, and political parties. Reform proposals

were adopted across the land that placed greater emphasis on the merit of judicial nominees as opposed to partisanship and political connections.

The roots of the reform effort can be traced to Missouri's pioneering efforts in 1940 regarding state judicial selection procedures. The "Missouri Plan" established a system that incorporated a mixture of merit and gubernatorial involvement, as well as popular referendum in the selection of state judges.<sup>15</sup> A number of states, Connecticut included, have since followed the lead of Missouri by either adopting the Missouri Plan in its entirety or certain elements of the system.

The Twenty-Fifth amendment to the Connecticut Constitution established a Judicial Selection Commission for the purpose of developing a short-list of potential judicial nominees. The Selection Commission is required to review and evaluate the credentials of lawyers and sitting judges who have expressed an interest in serving on either the superior, appellate, or state supreme court. The Commission will narrow the list of qualified candidates to three or four and present the list to the governor. The governor will then select a candidate from the Commission's short-list and forward the name to the state legislature for confirmation.

The process in the state legislature begins with hearings in the Judiciary Committee, which is one of the standing committees in the General Assembly. The hearings are followed by a Committee vote. Should the Judiciary Committee recommend the nominee, the state legislature will then vote to confirm or reject the candidate. Judges in Connecticut must have earned a law degree and be a member of the Connecticut bar. Superior, appellate, and supreme court judges are appointed to eight year terms and are eligible for reappointment. State judges must retire at the age of seventy, although judges seventy or older can serve as state referees.

The screening of judicial candidates by the Judicial Selection Commission and the development of a short-list based on merit is an important departure from the previous system of judicial selection. Under the current system, the governor still has some discretion in deciding which name to send to the legislature for

confirmation, but is formally obligated to nominate a judge from among the list of candidates proposed by the Commission. The governor's role in the selection of state judges has been somewhat, but by no means entirely, diminished.

The Judicial Selection Commission is a twelve-member bipartisan commission. The Commission is at all times politically balanced, with equal numbers of Democrats and Republicans. Among the twelve Commission members, six are lawyers appointed by the governor and six are persons outside of the legal profession appointed by party leaders within the state House and state Senate. More specifically, the Speaker of the House appoints two members, the Senate pro tempore appoints two, and the minority leaders in both chambers each appoint one. Commission members are appointed for six years.<sup>16</sup>

It would of course be naive to think that all politics has been removed from the judicial selection process in Connecticut as a result of the Twenty-Fifth amendment and the creation of the Judicial Selection Commission. Moreover, there is very little evidence to suggest that state judges in Connecticut since 1986 have been more competent, meritorious, and objective than judges chosen under the former selection process. The current procedure for appointing Commission members inherently lends itself to political favoritism, and Commission members undoubtedly have strong political opinions about legal issues. Moreover, those individuals recommended by the Commission and eventually appointed to the bench have often been involved in one form or another in state or local politics. It is important to note in this regard that comparative studies of state judicial recruitment have concluded that different selection methods do not alter the characteristics and quality of judges.<sup>17</sup> State judges are strikingly similar to one another, regardless of which judicial selection system is in place.

### *Judicial Support Staffs*

Like state lawmakers and the state governor, judges in Connecticut depend on a number of support personnel to assist with the day-to-day operation of the judicial system. Support

personnel range from law clerks and high-level judicial administrators to clerical personnel who process forms and file documents.

Law clerks are central to the functioning of the state's judicial system. Fourteen law clerks currently serve the state supreme court. Law clerks are selected by the individual justices and serve for a period of twelve months. Law clerks are normally fresh out of law school and are in the top tier of their graduating class. The job description for a state supreme court law clerk suggests that an applicant be among the top quarter of his or her graduating class. In Connecticut, as in other states, it is considered an honor to serve as a law clerk for the state supreme court. The position is also perceived as a stepping stone for a successful career in law. Needless to say, the selection process is highly competitive. Law clerks perform a number of critical functions. These include helping justices screen and review petitions for certification, researching legal precedents, preparing justices for oral argument, and writing and editing drafts of judicial opinions.

Eighteen law clerks are assigned to the intermediate court of appeals. Like law clerks for the state supreme court, such individuals are screened and personally selected by the individual appellate court judges. Several of the law clerks also work as "shared clerks" for the court and for retired appellate court judges. The functions of law clerks who serve the intermediate appellate court are very similar to those of supreme court law clerks. Screening cases, researching precedent, preparing judges for oral argument and assisting with opinions are among the normal duties of appellate court law clerks. Appellate court law clerks are expected to be among the top third of their law school graduating class.<sup>18</sup>

Law clerks are also hired to serve the needs of the state's superior courts. Superior court law clerks are not personally chosen by superior court judges, but rather are assigned to various superior courts based on the needs of superior court judges. Such law clerks assist judges by performing tasks similar to those of law clerks working in the intermediate appellate court and the state supreme court. Assistance with opinion writing and legal research are among

the principal duties associated with being a superior court clerk. Superior court law clerks are hired for twelve months, and while class standing is considered relevant to the hiring process, no specific tier is designated in the job posting.<sup>19</sup> In addition to law clerks, the Connecticut judicial system is supported by several administrative divisions that fall under the direction of the chief court administrator. The various administrative divisions are responsible for managing the state judicial system and for implementing the decisions of the courts. The Administrative Services Division is responsible for managing judicial facilities, processing data, and handling personnel matters. The Affirmative Action/Employment Discrimination Division is responsible for ensuring that citizens have equal access to the courts and that affirmative action guidelines are followed with respect to staffing the administrative components of the judiciary. The Court Support Services Division includes the Office of Adult Probation, Office of Alternative Sanctions, Bail Commission, Family Services Division, and the Division of Juvenile Detention Services. The various components of the Court Support Services Division work very closely with superior courts regarding terms of probation, rehabilitation programs, bail requirements, and issues involving family relationships and juvenile delinquency.

The public arm of the state's judicial system is the External Affairs Division, which is responsible for educating the public through programs regarding the structure and function of the judicial system. The Superior Court Operations Division includes a wide range of subdivisions responsible for implementing court rulings, providing legal services to superior court judges, and for ensuring ethical conduct on the part of attorneys who practice law in Connecticut.<sup>20</sup>

Generally speaking, many offices and divisions have been established for the purpose of processing judicial cases, implementing judicial rulings and helping judges with the task of deciding cases and issuing opinions. Approximately 4,000 full and part-time employees work in various capacities within the judicial branch of government.<sup>21</sup> While on paper elements of the judicial

administrative structure might appear unnecessary, there can be little doubt that the administrative components of the state judicial system have in multiple ways helped, rather than hindered, the efficiency of the judiciary. In many states, the judicial system seems to lag far behind that of the legislative and executive branches of government with regard to efficiency, modernization, staffing, and support services. This does not appear to be the case in Connecticut. The recent reorganization of the state superior court system, the addition of an intermediate court of appeals, the establishment of the Judicial Selection Commission, along with the addition of staff personnel and support services clearly suggest a judicial branch of government well prepared to face the many unexpected and multidimensional legal challenges of the future.

#### Notes

1. Kevin B. Smith, Alan Greenblatt, and John Buntin, with Charles S. Clark, *Governing States and Localities* (Washington: Congressional Quarterly Press, 2005), pp. 215-16.

2. Louis W. Koenig, *The Chief Executive*, 5th ed. (New York: Harcourt Brace Jovanovich, 1986), p. 386.

3. Information on Governor Rell's staff was obtained from a phone conversation with the governor's office, while numbers for commissions and boards was obtained from the Secretary of State's website, [www.sots.ct.gov/Capitol/BdsComms/GetAppointed.htm](http://www.sots.ct.gov/Capitol/BdsComms/GetAppointed.htm).

4. Connecticut's governorship is ranked 3.8 on a scale that ranges from 2.7 to 4.1, which places the office among the stronger gubernatorial offices in the U.S. Seven measures are utilized to evaluate the power of a particular governorship, including, among others, term of office, the ability to appoint and remove executive officials and the scope of veto power. See Thad Beyle, "The Governors," in Virginia Gray and Russell Hanson, eds., *Politics in the American States: A Comparative Analysis*, 8th ed. (Washington: Congressional Quarterly Press, 2003). Data adapted and presented in Ann O'M. Bowman and Richard C. Kearney, *State and Local Government*, 3rd ed. (Boston: Houghton Mifflin, 2006), p. 160, Table 7.3.

5. The centrality of public support for effective legislative leadership is discussed in several works on state politics. See, for example, Dye and MacManus, *Politics in States and Communities*, pp. 255, 258; and Smith, Greenblatt, and Buntin, with Clark, *Governing States and Localities*, p. 233.

6. Quinnipiac University Poll, released August 17, 2006, online at [www.quinnipiac.edu/x11362.xml?ReleaseID=948](http://www.quinnipiac.edu/x11362.xml?ReleaseID=948).

7. Collapsing the excellent and good categories, Governor William O'Neill's public approval rating from 1981-90 averaged approximately 38 percent, Governor Lowell P. Weicker, Jr.'s average approval rating from 1991-94 was approximately 36 percent, while Governor Rowland's public approval rating from 1995 to 2004 averaged approximately 46 percent. University of Connecticut Center for Survey Research and Analysis, online at [www.csra.uconn.edu/pdf/Courant](http://www.csra.uconn.edu/pdf/Courant).

8. "Fast Facts about the Judicial Branch," online at [www.jud.ct.gov/external/media/facts.htm](http://www.jud.ct.gov/external/media/facts.htm).

9. *Searching for Justice: Connecticut's Courts* (Hartford: Connecticut Judicial Department, 1990), p. 12.

10. *Searching for Justice*, p. 23.

11. *Connecticut's Courts* (Hartford: State of Connecticut Judicial Branch), p. 14.

12. *Searching for Justice*, p. 25; *Connecticut's Courts*, p. 12; "Judicial Branch," online at [www.jud.state.ct.us/external/supapp/casecome.html](http://www.jud.state.ct.us/external/supapp/casecome.html).

13. "Judicial Branch," online at [www.jud.state.ct.us/external/supapp/aro.htm](http://www.jud.state.ct.us/external/supapp/aro.htm).

14. Henry R. Glick, *Courts, Politics, and Justice*, 3rd ed. (New York: McGraw Hill, Inc. 1993), p. 277.

15. The "Missouri Plan" works as follows: A nominating commission produces a short-list of prospective judges to the state governor. Merit is the principal consideration in the development of the short-list and the governor is required to appoint a judge from the names recommended by the commission. After a minimum of one year, the electorate votes to either retain or remove the judge. The popular referendum coincides with a general election and the issue of judicial retention appears on the election ballot. The Missouri Plan, also known as the Merit Plan, combines the work of a bipartisan nominating commission, gubernatorial appointment, and popular referendum. A review of the different state judicial selection procedures can be found in Glick, *Courts, Politics, and Justice*, pp. 116-26.

16. *Connecticut Law Tribune*, December 15, 1986.

17. Glick, *Courts, Politics, and Justice*, pp. 131-33.

18. "Judicial Branch," online at [www.jud.state.ct.us/external/supapp/lawclerkapp.html](http://www.jud.state.ct.us/external/supapp/lawclerkapp.html).

19. "Judicial Branch," online at [www.jud.state.ct.us/external/super/superiorclerk.html](http://www.jud.state.ct.us/external/super/superiorclerk.html).

20. "Judicial Branch," online at [www.jud.state.ct.us/ystday/adminop.html](http://www.jud.state.ct.us/ystday/adminop.html).

21. Full-time employees including judges is recorded at 3,968 and permanent part-time employees at 121. Data obtained from phone conversation with Human Services Management Unit of the Judicial Branch, October 12, 2006.